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*Attorneys for UBS AG, London Branch*

**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA - NORTHERN DIVISION**

In re:  
  
HVI CAT CANYON, INC.,  
  
Debtor.

Case No. 9:19-bk-11573-MB

Chapter 11

**DECLARATION OF SAMANTHA  
INDELICATO IN SUPPORT OF UBS AG,  
LONDON BRANCH'S MOTION TO  
APPOINT A CHAPTER 11 TRUSTEE**

I, Samantha M. Indelicato, Esq., declare under penalty of perjury and 28 U.S.C. § 1746, and  
that the following is true and correct to the best of my knowledge, information and belief:

1. I am a member of the bar of the State of New York and am an associate with the law  
firm of O'Melveny & Myers LLP, Times Square Tower, 7 Times Square, New York, New York  
10036, attorneys for UBS AG, London Branch, the senior secured creditor to the Debtor. I

1 respectfully submit this declaration in support of UBS AG, London Branch's Motion to Appoint a  
2 Chapter 11 Trustee.

3       2. This court held a hearing on the Debtor's use of cash collateral on October 3-4, 2019  
4 and transcripts for those two days are not yet available. I attended the hearing and make the  
5 following statements based on my best recollection and notes. My statements are not intended to  
6 be verbatim recitals, nor a complete transcript, but I believe are fair and accurate summaries of the  
7 matters addressed. O'Melveny & Myers LLP will seek a formal transcript and will seek permission  
8 to lodge it with the Court as soon as obtained.  
9

10       3. During the hearing, Mr. Grewal and Mr. Kehl testified. Following Mr. Kehl's  
11 testimony and evaluation of the budget and variance report, this Court noted that the Debtor did not  
12 have enough money to pay necessary operating expenses.  
13

14       4. Counsel for Santa Barbara regulators noted that the regulators have the power to and  
15 are currently considering shutting down the Debtors operations for health and safety reasons.

16       5. All non-debtor, non-affiliate parties who spoke at the hearing on October 3-4, 2019  
17 expressly stated the need for a Trustee. Several parties noted at the beginning of the hearing that  
18 they planned to file motions to appoint a trustee by Monday, October 7, 2019. During the  
19 Committee's closing argument, counsel for the Official Committee of Unsecured Creditors  
20 requested that the Court appoint a trustee *sua sponte*.  
21

22       6. At the conclusion of the hearing, this Court denied the Debtor's motion for use of  
23 cash collateral. In explaining the decision to deny use of cash collateral, this Court stated that Mr.  
24 Grewal demonstrated a lack of candor. The Court also commented that Mr. Grewal needed to be  
25 cajoled and heavily cross examined before admitting to certain facts regarding the companies he  
26 owns.  
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1           7.       The Court granted the *Motion of Weltman & Moskowitz, LLP Seeking Leave to*  
2 *Withdraw As Attorneys for Debtor*, effective as of October 21, 2019. The Debtor noted on the  
3 record that, without the use of cash collateral, it would be unable to hire replacement counsel. The  
4 Court observed on the record that the Debtor cannot appear without counsel.

5           8.       Attached hereto are true and correct copies of certain exhibits offered by UBS and  
6 admitted during the October 3-4, 2019 cash collateral hearing, including **Exhibits UBS-1, UBS-2,**  
7 **UBS-3, UBS-4, UBS-5, UBS-6, UBS-7, UBS-8, UBS-9, UBS-10, UBS-11, UBS-12, UBS-13,**  
8 **UBS-14, UBS-15, UBS-16, UBS-17, UBS-18, UBS-22, UBS-23, and UBS-58.**

9           9.       Attached hereto as **Exhibit UBS-26** is a true and correct copy of the Quitclaim Deed  
10 recorded July 19, 2019. This Quitclaim Deed transferred real property labeled Lakeview & Golco  
11 from the Debtor to GLR, LLC.

12           10.      Attached hereto as **Exhibit UBS-27** is a true and correct copy of the Quitclaim Deed  
13 recorded July 19, 2019. This Quitclaim Deed transferred real property labeled Mortensen from the  
14 Debtor to GLR, LLC.

15           11.      Attached hereto as **Exhibit UBS-28** is a true and correct copy of the Quitclaim Deed  
16 recorded July 19, 2019. This Quitclaim Deed transferred the described real property from the  
17 Debtor to GRL, LLC.

18           12.      Attached hereto as **Exhibit UBS-31** is a true and correct copy of the Transcript for  
19 the hearing conducted on June 13, 2017 in *In re Rincon Island Limited Partnership*, Case No. 16-  
20 33174-hdh11, in the United States Bankruptcy Court for the Northern District of Texas, Dallas  
21 Division.

22           13.      Attached hereto as **Exhibit UBS-62** is a true and correct copy of the Debtor's  
23 Variance Report Through Week Ending September 22, 2019.  
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1           14. Attached hereto as **Exhibit UBS-69** is a true and correct copy of the Transcript of  
2 the Status Conference conducted on September 23, 2019 in the above-captioned case, in this Court.

3           15. Attached hereto as **Exhibit UBS-70** is a true and correct copy of the Debtor's  
4 Schedules [Docket No. 171] filed in the above-captioned case.

5           16. Attached hereto as **Exhibit UBS-71** is a true and correct copy of the United States'  
6 Post-Trial Proposed Findings of Fact [Docket No. 472] in the matter of United States of America  
7 and People of the State of California, Ex Rel. California Department of Fish and Wildlife and  
8 California Regional Water Quality Control Board, Central Coast Region v. HVI Cat Canyon, Inc.,  
9 f/k/a Greka Oil & Gas, Inc., Case No. CV 11-05097 FMO (SSx), in the United States District Court  
10 for the Central District of California, Western Division.

11           17. Attached hereto as **Exhibit UBS-72** is a true and correct copy of the *Motion of*  
12 *Debtor Pursuant to 11 U.S.C. § 365(a), Fed. R. Bankr. P. 6003(c) and 6006 and Local Rule 6006-*  
13 *1 for Entry of Order Authorizing Assumption of Administration Agreement with GIT, Inc., Nunc*  
14 *Pro Tunc to the Petition Date* [Docket No. 14] filed in the above-captioned case.

15           18. Attached hereto as **Exhibit UBS-73** is a true and correct copy of the *Interim Order*  
16 *Pursuant to 11 U.S.C. §§ 105, 361, 362 and 363 Approving Use of Cash Collateral, Providing*  
17 *Adequate Protection and Setting Final Hearing Pursuant to Bankruptcy Rule 4001* [Docket No.  
18 43] entered in the above-captioned case.

19           19. Attached hereto as **Exhibit UBS-74** is a true and correct copy of the *Declaration of*  
20 *Diane Sauer in Support of Dkt. Nos. 153 & 206* [ECF No. 305] filed in the above-captioned case.

21           20. Attached hereto as **Exhibit UBS-75** is a true and correct copy of the *Motion of*  
22 *Weltman & Moskowitz, LLP Seeking Leave to Withdraw As Attorneys for Debtor* [ECF No. 172]  
23 filed in the above-captioned case.  
24  
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1 Dated: Los Angeles, California  
2 October 7, 2019



Samantha Indelicato

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of eighteen and not a party to this bankruptcy case or adversary proceeding. My business address is **7 Times Square, New York, New York 10036**.

A true and correct copy of the foregoing document entitled **DECLARATION OF SAMANTHA INDELICATO IN SUPPORT OF UBS AG, LONDON BRANCH'S MOTION TO APPOINT A CHAPTER 11 TRUSTEE** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF"):**

Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On **10/7/2019**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

**Alicia Clough** aclough@loeb.com, mnielson@loeb.com, ladocket@loeb.com

**Marc S Cohen** mscohen@loeb.com, klyles@loeb.com

**Karl J Fingerhood** karl.fingerhood@usdoj.gov, efile\_ees.enrd@usdoj.gov

**Brian D Fittipaldi** brian.fittipaldi@usdoj.gov

**Karen L Grant** kgrant@silcom.com

**Ira S Greene** Ira.Greene@lockelord.com

**Matthew C. Heyn** Matthew.Heyn@doj.ca.gov, mcheyn@outlook.com

**Brian L Holman** b.holman@musickpeeler.com

**Razmig Izakelian** razmigizakelian@quinnemanuel.com

**Jeannie Kim** jkim@friedmanspring.com

**Michael L Moskowitz** mlm@weltmosk.com,  
jg@weltmosk.com;aw@weltmosk.com

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**Jennifer Taylor** jtaylor@omm.com

**Fred Whitaker** lshertzer@cwlawyers.com

**Emily Young** pacerteam@gardencitygroup.com,

**rjacobs@ecf.epiqsystems.com;ECFInbox@epiqsystems.com**

**II. SERVED BY U.S. MAIL:** On 10/7/2019, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**Olivia Arden Adendorff**  
Gibson, Dunn & Crutcher, LLP  
2100 McKinney Avenue, Suite 1100  
Dallas, TX 75201

**Buganko**  
930 Truxtun Avenue, Suite 102  
Bakersfield, CA 93301

**Carolyn V Carollo**  
Snow Spence Green LLP  
2929 Allen Parkway, Suite 2800  
Houston, TX 77019

**Allan B. Diamond**  
Diamond McCarthy, LLP  
909 Fannin, Ste. 3700  
Houston, TX 77010

**Robert J. Feinstein**  
Pachulski Stang Ziehl & Jones LLP  
780 Third Ave., 34th Floor  
New York, NY 10017

**Sid J. Garabato**  
Epiq Corporate Restructuring, LLC  
777 Third Avenue  
12th Floor  
New York, NY 10017

**Sheryl P Giugliano**  
Diamond McCarthy LLP  
295 Madison Avenue  
27th Floor  
New York, NY 10017

**Steven William Golden**  
Pachulski Stang Ziehl & Jones LLP  
780 Third Avenue, 34th Floor  
New York, NY 10017

**Ira S. Greene**  
Squadron, Ellenoff, Plesent, et al  
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New York, NY 10176

**Ira S. Greene**

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200 Vesey Street, 20th Floor  
New York, NY 10281

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2800 JP Morgan Chase Tower  
600 Travis  
Houston, TX 77002

**Brian L. Holman**

Musick, Peeler & Garrett LLP  
624 S. Grand Avenue, Suite 2000  
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**Alan H. Katz**

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200 Vesey Street, 20th Floor  
New York, NY 10281

**Jarrold Barclay Martin**

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1001 Fannin, Suite 2700  
Houston, TX 77002

**Kevin D. McCullough**

Rochelle McCullough L.L.P.  
325 N. St. Paul St., Ste. 4500  
Dallas, TX 75201

**Michael L. Moskowitz**

Weltman & Moskowitz, LLP  
270 Madison Avenue, Suite 1400  
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**Jeffrey N. Pomerantz**

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Los Angeles, CA 90067

**Mitchell Elliott Rische**

California Department of Justice  
Office of the Attorney General  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013

**Vadim J. Rubinstein**

Loeb & Loeb LLP  
345 Park Avenue  
New York, NY 10154-0037

**William R. Spence**



1 Snow Spence Green LLP  
2 2929 Allen Pkwy., Suite 2800  
3 Houston, TX 77019-2125

4 **Ruth Stoner Muzzin**  
5 Friedman & Springer Water LLP  
6 350 Sansome Street  
7 Suite 210  
8 San Francisco, CA 94104

9 **Shannon Smith Thomas**  
10 Rochelle McCullough, LLP  
11 325 N. Saint Paul St., Ste. 4500  
12 Dallas, TX 75201

13 **Patricia Tomasco**  
14 Quinn Emanuel Urquhart & Sullivan  
15 711 Louisiana St.  
16 Suite 500  
17 Houston, TX 77002

18 **Eric M. Van Horn**  
19 Spencer Fane LLP  
20 2200 Ross Avenue  
21 Suite 4800 West  
22 Dallas, TX 75201

23 **Michael D. Warner**  
24 Cole Schotz P.C.  
25 1700 City Center Tower II  
26 301 Commerce St.  
27 Fort Worth, TX 76102

28 **Weltman & Moskowitz, LLP**  
270 Madison Ave., Ste. 1400  
New York, NY 10016-0601

**III. SERVED BY OVERNIGHT FEDEX:** On 10/7/2019, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

**DEBTOR:**

HVI Cat Canyon, Inc.  
c/o Capitol Corporate Services, Inc.  
36 S. 18th Avenue Suite D  
Brighton, CO 80601

**ATTORNEYS FOR DEBTOR:**

Weltman & Moskowitz, LLP

1 Attn: Michael L. Moskowitz  
2 270 Madison Ave., Ste. 1400  
3 New York, NY 10016-0601

4 **IV. SERVED BY PERSONAL DELIVERY:**

5 Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **10/7/2019** I served the following  
6 person(s) and/or entity(ies) by personal delivery, overnight mail service, or (for those who  
7 consented in writing to such service method), by facsimile transmission and/or email as  
8 follows. Listing the judge here constitutes a declaration that personal delivery on the judge  
9 will be completed no later than 24 hours after the document is filed.

10 **JUDGE:**

11 Hon. Martin R. Barash  
12 United States Bankruptcy Court  
13 Central District of California  
14 21041 Burbank Boulevard, Suite 342 / Courtroom 303  
15 Woodland Hills, CA 91367

16 I declare under penalty of perjury under the laws of the United States of America that the  
17 foregoing is true and correct.

18 Executed this 7th day of October, 2019, at Los Angeles, California.

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/s/ *Samantha Indelicato*  
Samantha Indelicato